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SUBJECT: Assessment and Evaluation CommitteeQs 48th Plenary Session

11. (U) Summary: The Assessment and Evaluation Commission (AEC) held its 48th Plenary Session on October 6 at AEC Headquarters in Khartoum. AEC Chairman, Sir Derek Plumbly, noted that the time for national elections and Southern referenda is quickly approaching; however, he does not see implementation of the Comprehensive Peace Agreement as "in cpisis& unless txe p`rtiug`f`ih tm resclvedie:isuE nf&4`fc-u5s!a{YtRgQat5w|o|u"lbQt)o`,`"A-QgfQ`E mrfMQ Q.)cVf=kewpn\$N)v)DlwLg on the issue, the NCP representative said. Donor nations welcomed news of the upcoming tripartite talks in Kenya and the facilitation of negotiations by U.S. Special Envoy to Sudan, Gen. Scott Gratton. Recognizing the continuing violence in the South and rejection by Misseriya leaders of the Abyei Permanent Court of Arbitration (PCA's) border demarcation decision, AEC members and the parties nonetheless vowed to redouble their efforts to quickly come to terms on remaining CPA issues. End Summary

DCM Updates AEC on Points of Agreement

12. (U) AEC Chairman, Sir Derek Plumbly, asked donor nations to think strategically about ways to settle the ongoing, unresolved CPA issues. Three papers were presented for discussion: (1) The AU communique of 22 September on attacks in Southern Sudan, with its message for the AEC; (2) A letter from Misseriya leaders regarding the Permanent Court of Arbitration decision on Abyei; and (3) the AEC 2010 draft budget. Sir Derek noted that several deadlines in the NCP/SPLM points of agreement had passed, including those on the Referendum law, the popular consultation process, JIU review and the report of the North South Border Committee.

13. Deputy Chief of Mission (DCM) Mark Asquino thanked the AEC secretariat for its help in providing information with which to update the spotlight chart reflecting the status of agreed-upon CPA implementation issues. He noted the latest version would be ready soon. He said that despite progress, the parties were behind schedule on delimitation of the North/South border. To assist the committee, the United States offered to make available the technical expertise of its border demarcation expert, John Gates, at short notice. In addition, the Central Bank of Sudan had now sent a request to the International Monetary Fund (IMF) asking it to conduct a review of the banking system. Because the deadline for this action had been August 15, the United States encouraged the IMF to work expeditiously on this request. The DCM welcomed the official announcement at the previous day's opening session of the National Assembly that the National Security Act and other legislation would be considered during the current session.

Trilateral Talks to Continue in Kenya

14. (U) The DCM also reminded the parties of the urgent need for further discussions on the issues of the referendum and the census, and informed AEC members of a proposal by the Office of the Special Envoy for Sudan (S/USSES) to hold trilateral talks with the parties in Nairobi, with tentative, proposed dates of October 26-30. S/USSES staff will arrive on or about October 19 to work with the parties to prepare for the meeting. In response to a question from the Chairman, the United States confirmed that the dates of October 26-30 had not yet been formally agreed to by the parties. Italy welcomed the policy of "balanced engagement" being pursued by the U.S. Special Envoy. Kenya urged the parties to move expeditiously to resolve their differences through the tripartite process. The representative of the Inter-Governmental Authority on Development (IGAD) offered assistance in supporting the discussions, and repeated its offer, made at the June CPA witnesses conference in Washington, to arrange a heads-of-state-level summit on CPA implementation.

Italy Supplements AEC Budget

15. (U) AEC Chairman Plumbly introduced the AEC budget for 2010, and thanked the Government of Italy for its generous level of program funding. As a result, he said, the AEC was in a position to offer support for the functioning of the local AECs as they carry out their important work. Italy called on the parties to engage in discussion on post-2011 issues.

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NCP: Remaining Disagreements are Few

16. (U) The NCP agreed with the Chairman that time was very tight as the parties were now in the last part of the interim period, and must pay special regard to the limited number of issues remaining. With respect to the census, the NCP had offered a proposal to the SPLM outlining a political way forward, and had further elaborated on the proposal two weeks earlier. The NCP added that the high-level executive and political committee continued to meet on a regular basis, and was deliberating on the referendum law with the assistance of lawyers. There had been some progress, and the remaining points of disagreement were few, he said. With regard to the demarcation and delimitation of the North-South border, the NCP noted that a high-level meeting had taken place between Vice President Taha and Government of Southern Sudan (GoSS) Vice President Machar together with the full membership of the technical committee. The committee had explained to the principals the parties' differences and the reasons why they had not been able to agree, most of which were administrative in nature according to the NCP representative. The meeting had ended with some directives from the principals to the committee, which led to the resumption of work. On this item, the NCP assured members that the Presidency was applying very heavy pressure on the committee to complete its work as quickly as possible.

Working Group Updates

17. (U) Italy, which chairs the Power-Sharing Working Group, announced it would organize a working group meeting at the end of October with the ad hoc North South border committee. The United States, which chairs the Wealth Sharing Working Group, said that the next session of the latter was scheduled for October 13. The main item on the agenda was an update on the functioning of the Wealth Sharing protocol with State Minister Lual Deng and Under Secretary Fatih Siddiq. The working group would pay particular attention to the planned National Petroleum Commission audit of the oil sector and to the IMF review of the banking system, both of which were contained in the Points of Agreement. The Netherlands, which chairs the Security Working Group, reported that it was endeavoring to reschedule the postponed working group visit to Muglad; conversations with the Governor of Southern Kordofan suggested that sometime after October 30 would now be feasible.

18. (U) The Netherlands also noted that the seasonal migration of the Misseriya tribe had started earlier than usual this year, and said that this may have implications for security in light of the fact that this was the first migration since the Permanent Court of Arbitration (PCA) ruling on Abyei borders. Unfortunately, no conference on the ruling had as yet taken place between the Ngoc Dinka and Misseriya. The Misseriya leadership had rejected the PCA decision and would make an announcement following a tribal conference currently underway. AEC Chairman Plumbly presented to the members a letter received from Misseriya tribal leaders, and stated that he would draft a reply affirming the AEC's support for the PCA decision and expressing concern for the rights of all persons and communities in the area. Finally, the Netherlands noted that the working group visit to Blue Nile on October 13-14 would take place as scheduled.

19. (U) The representative of the African Union described the group's growing concerns with respect to the overall security situation in the South. The AU believed that discussions on this issue needed to take place between the Government of National Unity (GoNU, GoSS and the international community about how best to address the situation. The AU proposed that the Security Affairs Working Group consider this issue.

Whitehead